UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/821,651	AISO, SEIJI
	Examiner	Art Unit	
	MEHDI RASHIDIAN	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *11 March 2008*.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-29* is/are pending in the application.
   4a) Of the above claim(s) *3 and 16-28* is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1,2,4-15 and 29* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on *27 March 2006* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

FINAL ACTION

Response to Amendments/Arguments

1.   Applicant's arguments, see (pages 8-11), filed on March 11, 2008, with respect to the

rejection(s) of claims 1-15, and 29 under Matsuhira (US Patent 6,898,332) have been fully

considered and are not persuasive. Therefore, This Office Action Made Final.

2.   In remarks, applicants argued in substance that, Matsuhira does not teach or

suggest (a) an image generation are based on overlap between a plurality of first images as

specified in step -b- of independent claim 1, (b) disclose either "selecting one of candidate areas

as the image generation area" or " an evaluation value…which is determined based on overlap

between the plurality of first image and the candidate area".

3.   However, in response to Applicant's argument, Examiner would like to point out

that claim language is given its broadest reasonable interpretation. The specification is

not measure of invention. Therefore, limitations contained therein cannot be read into

the claims for the purpose of avoiding the prior art. Ir re Spork, 55CCPA 743, 386 F. 2d

924, 155 USPQ 687 (1968). In the instant case, Examiner not only pointed to the above area also

pointed that, the Matsuhira clearly reads, (a) an image generation are based on overlap between a

plurality of first images as specified in step -b- of independent claim 1, (fig. 1-4, column 7, lines

30-65); (b) disclose either "selecting one of candidate areas as the image generation area" or "

an evaluation value…which is determined based on overlap between the plurality of first image

and the candidate area", (column 10, lines 52-67). Furthermore, examiner indicates feature upon

which applicant relies upon step -b- "an image generation are based on overlap between a

plurality of first images as specified in step -b- of independent claim 1", "disclose either

"selecting one of candidate areas as the image generation area" or " an evaluation value…which

is determined based on overlap between the plurality of first image and the candidate area", only

recites preparing in (b1) and selecting in (b2), step (c) recites generating a second image from the

plurality of first images.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
patent by another filed in the United States before the invention by the applicant for patent, except that an
international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
subsection of an application filed in the United States only if the international application designated the United
States and was published under Article 21(2) of such treaty in the English language.

Claims 1-15, 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsuhira (US

Patent 6,898,332) henceforth referred to as Matsuhira.

Regarding **Claim 1 (Original)**, Matsuhira teaches, a method for generating an image,

comprising: (a) preparing a plurality of first images each of which includes a portion where a

same recorded subject is recorded, (figs. 1-4, column 7, lines 30-65),

- (b) determining an image generation area for generating a second image in which a

  density of pixels forming image is higher than that of the first images, based on a

  overlap between the plurality of first images, (column 10, lines 52-67),

- and, (c) generating the second image in the image generation area from the plurality of first images (fig. 10, abstract, column 8, lines 23-33).

Regarding **Claim 2 (Original)**, Matsuhira teaches, a method for generating an image according to **Claim 1**, wherein the determination of the image generation area is executed so that an overlapping index value representing an extent of overlap between the plurality of first images and the image generation area is closest to a predetermined target level on a predetermined condition, (figs. 2-3, abstract, column 8, lines 18-35).

Regarding **Claim 3 (Original)**, Matsuhira teaches , a method for generating an image according to **Claim 1**, wherein the determination of the image generation area comprises:

(bl) preparing a plurality of candidate areas included in a sum area, the sum area being sum of areas in which first images are recorded, (column 9, lines 60-65),

- and (b2) selecting one of the candidate areas as the image generation area from among the plurality of candidate areas, based on an evaluation value for each of the candidate areas which is determined based on overlaps between the plurality of first images and the candidate area (column 10, lines 23-29).

Regarding **Claim 4 (Original)**, Matsuhira teaches, a method for generating an image according to **Claim 3**, wherein the selection of the candidate area comprises, determining the evaluation

values for the candidate areas based on relative positions between the candidate areas and the

first images, (column 10, lines 23-29).

Regarding **Claim 5 (Original)**, Matsuhira teaches, a method for generating an image according

to **Claim 3,** wherein the selection of the candidate area comprises determining the evaluation

value based on numbers of pixels in the first images included in portions where the candidate

area and the first images overlap, (fig. 1, abstract, column 10, lines 23-29).

Regarding **Claim 6 (Original)**, Matsuhira teaches, a method for generating an image according

to **Claim 3**, wherein the selection of the candidate area comprises determining the evaluation

value for each of the candidate areas, wherein the determination of the evaluation value for one

of the candidate areas comprises, (b3) determining an evaluation target portion, the evaluation

target portion being a portion of a profile of a target candidate area for which the evaluation

value is being determined and being included in an area of one of the plurality of first images,

(figs. 2-5,column 10, lines 23-29).

- (b4) determining the evaluation value for the target candidate area based on lengths of

   the evaluation target portions for the plurality of first images. (fig. 1, abstract, column

   10, lines 23-29).

Regarding **Claim 7 (Original)**, Matsuhira teaches, a method for generating an image according to **Claim 3**, wherein the selection of the candidate area comprises, (b3) setting sample points on a profile of each of the candidate areas, (fig. 1, abstract, column 10, lines 23-29).

- (b4) determining the evaluation values for the candidate areas based on the sample points, wherein the determination of the evaluation value for one of candidate areas comprises: (b5) determining evaluation sample points among the sample points of a target candidate area for which the evaluation value is being determined, the evaluation sample points being sample points included in an area of one of the plurality of first images, (abstract, column 8, lines 58-65),

- (b6) determining the evaluation value for the target candidate area based on a number of the evaluation sample points of the plurality of first images, (fig. 1, abstract, column 8, lines 58-65).

Regarding **Claim 8 (Original)**, Matsuhira teaches, a method for generating an image according to **Claim 3**, wherein the selection of the candidate area comprises:
(b3) setting sample points on a profile of each of the first images; (figs. 1-2, abstract, column 8, lines 58-65),

- (b4) determining the evaluation values for the candidate areas based on the sample points, wherein the determination of the evaluation value for one of candidate areas comprises, (fig. 1, abstract, column 8, lines 58-65),

- (b5) determining evaluation sample points among the sample points of one of the first images, the evaluation sample points being sample points included in a target candidate area for which the evaluation value is being determined, (figs. 2-4, abstract, column 8, lines 58-65),

- (b6) determining the evaluation value for the target candidate area based on numbers of the evaluation sample points of the plurality of first images. (fig. 1, abstract, column 10, lines 23-29).

Regarding **Claim 9 (Original),** Matsuhira teaches, a method for generating an image according to **Claim 3**, wherein the selection of the candidate area comprises:

(b3) setting evaluation areas having a certain width near profiles of the candidate areas, (abstract, column 10, lines 23-29),

- and (b4) determining the evaluation values for the candidate areas based on the evaluation areas, wherein the determination of the evaluation value for one of candidate areas comprises, (b5) determining a limited evaluation area, the limited evaluation area

being a portion of a target candidate area for which the evaluation values is being

determined, being included in an area of one of the plurality of first images, (figs1-3,

column 8, lines 50-62),

- and (b6) determining the evaluation value for the target candidate area based on a total

  number of pixels included in the limited evaluation area of the plurality of first images,

  (abstract, column 9, line 50-65),

Regarding **Claim 10 (Original),** Matsuhira teaches, a method for generating an image according

to **Claim 3**, wherein the selection of the candidate area comprises, (b3) setting sample points

near profiles of the candidate areas, (figs1-3, column 7, lines 50-62),

- and (b4) determining the evaluation values for the candidate areas based on the sample

  points, wherein the determination of the evaluation value for one of candidate areas

  comprises, (figs1-3, column 9, lines 36-45),

- (b5) determining evaluation sample points among the sample points of a target candidate

  area for which the evaluation value is being determined, the evaluation sample points

  being sample points included in an area of one of the plurality of first images, (figs1-3,

  column 9, lines 61-67)

- and (b6) determining the evaluation value for the target candidate area based on a number of evaluation sample points for the plurality of first images. (figs.1-3, column 10, lines 30-41).

Regarding **Claim 11 (Original)**, Matsuhira teaches, a method for generating an image according to **Claim 3**, wherein the preparation of the plurality of candidate areas comprises, (bT) setting a first candidate area included in the sum area being sum of areas in which first images are recorded, (abstract, column 7, lines 19-35),

- (b8) preparing: a second candidate area, which is an area included in the sum area being sum of areas in which first images are recorded, and which is to conform to the first candidate area by being displaced a certain extent in a first direction, (abstract, column 7, lines 19-35),

- a third candidate area, which is an area included in the sum area being sum of areas in which first images are recorded, and which is to conform to the first candidate area by being displaced a certain extent in a direction opposite the first direction, (abstract, column 7, lines 35-47).

Regarding **Claim 12 (Original)**, Matsuhira teaches, a method for generating an image according to **Claim 3**, wherein the preparation of the plurality of candidate areas comprises, (b7) setting a

first candidate area included in the sum area being sum of areas in which first images are

recorded, (abstract, column 7, lines 19-35),

- (b8) preparing: a second candidate area, which is an area included in the sum area being

  sum of areas in which first images are recorded, and which is to conform to the first

  candidate area by being shrunk around a certain fixed point, (abstract, column 8, lines

  30-35),

- a third candidate area, which is an area included in the sum area being sum of areas in

  which first images are recorded, and which is to conform to the first candidate area by

  being magnified around a certain fixed point. (figs. 2, abstract, column 8, lines 19-35),

Regarding **Claim 13 (Original)**, Matsuhira teaches, a method for generating an image according

to **Claim 12**, further comprising, (d) outputting at least one of the plurality of first images

through an output device, (figs. 4-5, abstract, column 8, lines 19-35),

- (e) outputting the second image through the output device in a same size as the first

  image output, (abstract, column 8, lines 46-56),

Regarding **Claim 14 (Original),** Matsuhira teaches, a method for generating an image according

to **Claim 1**, further comprising, (f) calculating relative positions between the plurality of first

images based on the portions where the same recorded subject is recorded, wherein each of

pixels of the plurality of first images have a tone level, and

the generation of the second image comprises, (abstract, column 7, lines 62-65),

- (cl) selecting, from pixels of the second image, a target pixel for calculating

  the tone level, (abstract, column 8, lines 2-17),

- (c2) selecting, from the pixels of the plurality of first images, a plurality of specified

  pixels located in a certain range near the target pixel when the pixels of the plurality of

  first images are supposed to be arranged according to the relative positions and pixels of

  the second image are furthermore supposed to be arranged in the image generation area,

  (figs. 4-5, abstract, column 8, lines 19-35),

- (c3) calculating tone level of the target pixel based on a weighted average of tone levels

  of the specified pixels, (figs. 4-5, abstract, column 8, lines 19-35).

Regarding **Claim 15 (Original)**, Matsuhira teaches, an image-generating device, comprising:

an imaging component configured to prepare a plurality of first images each of which includes a

portion where a same recorded subject is recorded, (figs. 1-4, abstract, column 7, lines 30-65),

- a generation area determination component configured to determine an image generation

  area for generating a second image in which a density of pixels forming image is higher

than that of the first images, based on a overlap between the plurality of first images,

(column 10, lines 52-67).

- and an image-generating component configured to generate the second image in the

    image generation area from the plurality of first images, (column 8, lines 23-33).

Regarding **Claim 29 (Original),** Matsuhira teaches, a computer program product for generating

an image, comprising:

a computer-readable recording medium; and a computer program stored on the computer-

readable recording medium, wherein the computer program comprises

a first portion for preparing a plurality of first images each of which includes a portion where a

same recorded subject is recorded, (figs. 1-4, abstract, column 7, lines 30-60),

- a second portion for determining an image generation area for generating a second image

    in which a density of pixels forming image is higher than that of the first images, based

    on a overlap between the plurality of first images; and

    a third portion for generating the second image in the image generation area from the

    plurality of first images, (fig.10, abstract, column 8, lines 23-33).

Conclusion

9.   THIS ACTION IS MADE FINAL. Applicant is reminded of the extension

of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for

reply to this final action is set to expire THREE MONTHS from the mailing date of

this action. In the event a first reply is filed within TWO MONTHS of the mailing

date of this final action and the advisory action is not mailed until after the end of

the THREE-MONTH shortened statutory period, then the shortened statutory

period will expire on the date the advisory action is mailed, and any extension fee

pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire

later than SIX MONTHS from the mailing date of this final action.

Contact information

10.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Mehdi Rashidian whose telephone number is (571) 272-9763.

The examiner can normally be reached on Mon -Thurs 9:00 AM to 8:00 PM, ET.

      If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Samir Ahmed can be reached on (571) 272-7413. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

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like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mehdi Rashidian
September 2, 2008

/Samir A. Ahmed/
Supervisory Patent Examiner, Art Unit 2624